

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL FLETCHER,

Plaintiff,

v.

**LOS ANGELES COUNTY CHILD
SUPPORT SERVICES DEPT.,**

Defendant.

Case No. 2:24-cv-11084-JWH(E)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE**

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended
2 Complaint, all of the records herein and the attached Report and
3 Recommendation of United States Magistrate Judge. Further, the Court has
4 engaged in a *de novo* review of those portions of the Report and
5 Recommendation to which any objections have been made.

6 In this action, Plaintiff seeks to challenge various alleged efforts by
7 Defendant's agents and employees to collect child support from Plaintiff. [ECF
8 No. 26 at 13.] The Report recommends the dismissal of the First Amended
9 Complaint without further leave to amend and the dismissal of this action without
10 prejudice. [ECF No. 36.] Plaintiff's objections to the Report [ECF No. 37] do not
11 merit any change to the Report's proposed findings or recommendations.

12 Plaintiff objects that Defendant's child support actions violated a
13 bankruptcy stay under 11 U.S.C. § 362. [ECF No. 37 at 1-23, 31-34, & 38-42.]
14 As the Report correctly found, however, the Court does not review claims
15 alleging violations of a bankruptcy stay. [ECF No. 36 at 6.] Specifically, General
16 Order 13-05 of the Central District of California refers all matters under Title 11
17 of the United States Code to the bankruptcy judges of the district. The
18 authorities relied upon by Plaintiff are not from the Central District of California.
19 [ECF No. 37 at 1, 2, 8, 11, & 31.] In the Central District of California, a claim
20 alleging a violation of an automatic bankruptcy stay is to be raised before the
21 bankruptcy court. *See In re Orchid Child Productions, LLC*, 2023 WL 5770321,
22 at *4 (9th Cir. BAP Sept. 7, 2023) (28 U.S.C. § 157(a) "permits the district court
23 to refer to the bankruptcy court any cases and proceedings that are within the
24 grant of bankruptcy jurisdiction. The Central District of California has exercised
25 this authority.") (citing General Order 13-05); *see also Forbes v. Bank of*
26 *America*, N.A., 2017 WL 6043082, at *3 (C.D. Cal. Mar. 14, 2017) (dismissing
27 "claims based on the automatic stay violation theory" because they should be
28 brought before the bankruptcy court); *Azam v. Ruzicka and Wallace LLP*, 2015

1 WL 13918078, at *3 (C.D. Cal. Sept. 10, 2015) (based upon General
2 Order 13-05 and other authorities, “courts in this district have generally
3 determined they lack jurisdiction to hear claims for violations of an automatic
4 stay”) (citing cases).

5 Plaintiff objects that he stated a claim based upon Defendant’s alleged
6 violation of Plaintiff’s equal protection rights and alleged retaliation against
7 Plaintiff based upon Plaintiff’s gender. [ECF No. 37 at 23-31 & 34-38.] As the
8 Report correctly found, however, Plaintiff failed to allege any facts from which it
9 can be reasonably inferred that a policy, custom, or practice was the moving
10 force behind the alleged federal violations. [ECF No. 36 at 7-8.] Plaintiff alleges
11 only unlawful treatment in his own case, which is insufficient to allege a policy,
12 custom, or practice. *See Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996)
13 (“Liability for improper custom may not be predicated on isolated or sporadic
14 incidents; it must be founded upon practices of sufficient duration, frequency and
15 consistency that the conduct has become a traditional method of carrying out
16 that policy.”). Thus, Plaintiff failed to state a claim against the County under
17 *Monell v. New York City Dep’t of Soc. Servs.*, 436 U.S. 658, 691 (1978).

18 For those reasons, the Court hereby **ORDERS** as follows:

19 1. The Magistrate Judge’s Report and Recommendation is **ACCEPTED**
20 and **ADOPTED**.

21 2. The Motion for Judgment is **DENIED**.

22 3. Judgment shall be entered **DISMISSING** the First Amended
23 Complaint **without leave to amend** and **without prejudice**.

4. The Clerk is **DIRECTED** forthwith to serve copies of this Order and the Judgment on Plaintiff and Defendant's counsel of record.

IT IS SO ORDERED.

Dated: April 21, 2025.


John W. Holcomb
UNITED STATES DISTRICT JUDGE